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SIPDIS

STATE FOR L-OES/ASHLEY ROACH

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TAGS: [EWWT](#) [ETRD](#) [PBTS](#) [PHSA](#) [SN](#) [ID](#) [MY](#)  
SUBJECT: SINGAPORE CONCERNED ABOUT INDONESIAN PILOTAGE  
SCHEME

REF: A. SINGAPORE 1219  
[1](#)B. KUALA LUMPUR 941  
[1](#)C. CANBERRA 1080

Classified By: Ambassador Patricia Herbold reasons 1.4 (b)(d)

[1](#)1. (C) SUMMARY: The GOS has conveyed in various senior and working level meetings its concerns about Indonesia's launch of a pilotage program for ships transiting the Malacca Strait. Indonesia instituted a limited pilotage program in September, and provided some detail on its thinking in a presentation at a meeting of the Tripartite Technical Experts Group (TTEG), a regular littoral state forum on navigational safety, held in Kuching, Malaysia October 28 and 29. The Maritime and Port Authority (MPA) of Singapore participated in the TTEG and told Emboffs and the U.S. Coast Guard on November 7 of its concerns that Indonesia is testing the currently voluntary program with an eye to making it compulsory in the future, a worry Ambassador-at-large Tommy Koh reiterated in a call on the Ambassador November 17 (ref A). The GOS opposes mandatory pilotage schemes in international waters, and MPA feels Singapore has little recourse to persuade Indonesia to abandon its voluntary program. However, Indonesia has agreed to develop a paper on the issue jointly with Singapore and Malaysia, which will be discussed at the next TTEG in October 2009 and then presented to the International Maritime Organization (IMO). End Summary.

[1](#)2. (C) Indonesia gave a presentation outlining its voluntary pilotage scheme during the Tripartite Technical Experts Group (TTEG) meeting held in Kuching, Malaysia October 28 and 29, Maritime and Port Authority (MPA) officials told Emboffs and a U.S. Coast Guard officer on November 7. In its trial phase, the pilotage program is currently voluntary and in effect from Iyu Kecil to Nongsa Batam in Indonesia's territorial waters south of the Malacca Strait. However, MPA is concerned that Indonesia intends to make the pilotage scheme compulsory in the future. Indonesia explained in its presentation that it has trained 43 pilots for the program and will continue to train more. MPA speculated that the program may remain voluntary only until there are enough trained pilots to make it mandatory. The GOI collects fees for the piloting services, so there could be a financial incentive to making the program compulsory, suggested Charles Chew, Senior Assistant Director of MPA's Policy Division.

[1](#)3. (C) In a separate meeting November 10 MFA told Poloff that the relevant Indonesian law is written in a manner that would authorize implementation of a compulsory pilotage scheme in its territorial waters. Ambassador-at-large Tommy Koh called on the Ambassador November 17 and made similar comments, recalling shared U.S.-Singapore concerns that Australia's imposition of mandatory pilotage in the Torres Strait could be used as a precedent in Indonesia and

elsewhere. Ambassador Koh urged that language reaffirming the right of free transit passage be included in a draft UN General Assembly resolution on Oceans and the law of the sea (ref A).

¶4. (C) Indonesia presented several reasons, including the need to prevent accidents that have led to environmental damage in the Strait, and referenced several precedents in support of its decision to launch the pilotage program. The presentation lists several examples in which nations have legally instituted pilotage programs (e.g., in the Euro Channel and the Baltic Sea). Indonesia also asserted that "the geographic condition of Malacca Strait does not place Malacca Strait as an international strait, but as a strait 'normally used for international navigation'." The GOI in its presentation concludes that it "has the right to make regulations relating to the transit passage and to conduct necessary actions to keep international navigation safe" in the Strait. (Note: Post has forwarded a copy of Indonesia's TTEG PowerPoint presentation to L-OES/Ashley Roach. End Note.)

¶5. (C) Indonesia has instituted the trial pilotage scheme in waters already subject to a Traffic Separation Scheme (TSS) that Singapore, Malaysia, and Indonesia previously agreed to with the backing of the International Maritime Organization (IMO). Florence Lim, Assistant Director of the International Department for MPA's Policy Division, told Emboffs that MPA is concerned that Indonesia's program could in fact negatively affect navigational safety because vessels will have to slow down to pick up Indonesian pilots in the Strait. Indonesia has not addressed other potential legal liabilities that could arise from an Indonesia pilot entering

Singapore waters, Lim added.

¶6. (C) In Lim's view, Indonesia decided to present the details of its program at the TTEG as a way of legitimizing it. She said Indonesia did not consult with Singapore or Malaysia before instituting the program, which seems to contravene the TSS. Singapore opposes compulsory pilotage programs in international waters, and Malaysia has stated it would not support a mandatory pilotage program in the Malacca Strait (ref B). However, since the program is currently voluntary and within Indonesian waters, Singapore has little recourse to stop the program at this time. Instead, the three states agreed at the TTEG to develop a paper on the issue that would be discussed at the next TTEG in October 2009 and then presented to the IMO. The program will continue in the meanwhile.

¶7. (C) MPA did not know how many ships had participated in Indonesia's pilotage program thus far. Vessels unfamiliar with the Strait and those carrying chemicals, oil or gas are more likely to use the piloting service, but MPA sees little demand for pilots overall. According to MPA, Indonesia did not mention in its presentation any incentives or penalties that vessels or shipping companies might incur for using or not using the piloting service. For example, MPA said there was no specific mention in Indonesia's presentation of higher legal or financial penalties if a ship refuses a pilot and then has an accident in the Strait.

¶8. (C) Singapore officials expressed interest in hearing USG views on Indonesia's pilotage scheme. MPA also asked for an update when available on discussions between Washington and Canberra on Australia's mandatory pilotage program in the Torres Strait (ref C), which Singapore, like the USG, opposes. Emboffs asked about recent reports that Malaysian Deputy Prime Minister Najib had suggested a need to set limits on shipping in the Malacca Strait (ref B). MPA noted that the question of shipping limits has not been raised outside of Najib's comments. Lim indicated that there were no discussions about this issue between Singaporean or Malaysian officials at the TTEG.

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